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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,875	09/27/2001	Harald Lichtinger	60,426-302	2099

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
170 WOOD AVENUE SOUTH
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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,875

Applicant(s) *SW*

LICHTINGER ET AL.

Examiner

Laura B Rosenberg

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1,3,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 4-9,13-16,19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This office action is in response to the amendment received on November 26, 2003, in which claims 1, 3, 4, 10, 11, 13, and 17 were amended, claims 2, 12, and 18 were canceled, and claims 19-23 were added.

Drawings

2. The drawings were received on November 26, 2003. These drawings are acceptable.

Claim Objections

3. Claim 20 is objected to because of the following informalities: the phrase "wherein said" has been duplicated in line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Boyle (6,363,793). In regards to claims 1 and 3, O'Boyle discloses a mounting

Art Unit: 3616

assembly (#10) for a seatbelt tension sensor (#20) comprising a rigid member (#30) having one end (near #38) operably coupled to a seatbelt portion (#80), a sensor (#20) mounted on the rigid member for measuring strain exerted on the rigid member by an input force applied to the seatbelt portion (column 4, line 66-column 5, line 13), and a bracket (#60, 70, 72) having a first mounting portion (#60) for attachment to the rigid member and a second mounting portion (#70) for attachment to a vehicle structure (best seen in figure 2) to define a guide. The first mounting portion (#60) is parallel to the rigid member (#60 and #30 both run in a "longitudinal" direction in figure 1) and the second mounting portion (#70) is non-parallel to, in particular perpendicular to, the rigid member (#70 runs perpendicular to the "longitudinal" direction in figure 1). The recitation "for isolating said sensor from non-axial input forces applied to the seatbelt portion" leads to the intended use of the mounting assembly bracket and has been given little patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

In regards to claim 10, O'Boyle discloses the vehicle structure being a B-pillar (best seen in figure 2; column 3, lines 1-4).

In regards to claim 11, O'Boyle discloses a bracket for a seatbelt force sensor (#20) comprising a generally flat body portion (#30) for supporting a seatbelt force sensor assembly (#20), the body portion being defined by a first end (near #38), a second end (near #36), a first side interconnecting the first and second ends to define a

Art Unit: 3616

first edge ("top" edge of #30 in figure 1), and a second side interconnecting the first and second ends to define a second edge opposite the first edge ("bottom" edge of #30 in figure 1), and a plurality of boss portions (#60, 60) including a first boss portion ("top" #60 in figure 1) extending outwardly along a portion of the first edge and a second boss portion ("bottom" #60 in figure 1) extending outwardly along a portion of the second edge, wherein the body portion and the boss portions define a guide (via channels #36). The first end includes a mounting portion (sensor chamber #32) for attachment to the seatbelt force sensor assembly (#20) and the first and second boss portions (#60, 60) are positioned adjacent the second end (at #64) for attachment to a vehicle structure (via #70, 72) and to define a guide (via channels #36). The recitation "for isolating the sensor assembly from non-axial input forces" leads to the intended use of the bracket guide and has been given little patentable weight because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Allowable Subject Matter

6. Claims 17, 22, and 23 are allowed.
7. Claims 4-9, 13-16, and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

the allowable subject matter in claim 4 is each of the bosses including an aperture for supporting a pivot shaft;

the allowable subject matter in claim 13 is the boss portions including circular openings aligned with one another for supporting a pivot shaft;

the allowable subject matter in claim 17 is the positive recitation of isolating the seatbelt force sensor from input forces applied at an angle by guiding the seatbelt portion with the guide member;

the allowable subject matter in claim 19 is a pivot axis extending from a first side edge to a second side edge of the bracket;

the allowable subject matter in claim 20 is a fixed attachment interface between the bracket and the rigid member;

the allowable subject matter in claim 21 is each of the first and second boss portions defining a pivot attachment.

Response to Arguments

9. In regards to applicant's arguments on pages 7-8, Webster defines "strain" as a force causing excessive tension, or deformation of a material body under action of applied forces. Thus, O'Boyle's tension sensor does indeed measure strain. The specific type of tension sensor is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are

Art Unit: 3616

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. In regards to applicant's arguments on pages 8-9, the examiner would like to clarify that the bracket in the O'Boyle reference that is used in the rejection of claim 11 is not reference number 20, as the applicant has stated on page 8. O'Boyle's seatbelt force sensor is reference number 20, and the bracket comprises a generally flat body portion (#30) for supporting the seatbelt force sensor assembly. This was originally set forth in the first office action, has been set forth in this final office action, and is being pointed out here in order to avoid confusion. Further, first and second boss portions (#60, 60) are "part" of the entire seatbelt assembly and extend through openings in the generally flat body portion (#30). Thus, the first and second boss portions are indeed a "part" of the generally flat body portion, just as they are a part of the entire assembly. In addition, since Webster defines a "boss" as a protuberant part or body, reference numbers 60 and 60 are indeed boss portions. Also, as best seen in figure 1 of the O'Boyle reference, the boss portions (#60, 60) do extend "outwardly" along the first (top edge of #30) and second (bottom edge of #30) edges of the generally flat body portion (#30). The examiner notes that the term "outwardly" has not been used with reference to any other feature of the claimed invention, and thus has been interpreted in its broadest scope.

11. In regards to applicant's arguments on page 9, the applicant is reminded that although the claims are interpreted in light of the specification, limitations from the

Art Unit: 3616

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Art Unit: 3616

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Lama B. Rosenberg

LBR

Paul N. Dickson 1/30/07
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